

APPROVED: MEETING NO. 21-81

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 14-81

May 4, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville, City Hall, Maryland at Vinson Street, Rockville Maryland on Monday, May 4, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; Assistant City Attorney Francis T. Lacey; Director of C.D.H.A. Douglas Horne; Assistant City Manager Daniel Hobbs; Director of Public Works Robert Goodin; Director of Finance John Lawton; Information Officer Sue Patterson; Police Chief Jared Stout; Director of Planning James M. Davis; City Clerk Helen M. Heneghan.

Re: City Manager's Report

Mr. Blick reported the following:

1. On Tuesday evening at 8:00 p.m., there will be a meeting for the Denham/Woodburn neighborhood residents to discuss the storm water problems in that area.
2. The State of Maryland Department of Transportation has notified the City that a study will begin on the intersection of Route 355 and North Campus Drive as reported by representatives of Montgomery College as a trouble spot at last week's meeting.
3. Today WMATA poured concrete for the Frederick Avenue overpass and a permanent pedestrian way has been completed on the Edmonston Bridge.

4. The scaffolding assembly has begun for the mural on the Metropolitan Federal Savings and Loan Building in downtown Rockville.

5. The City Attorney has sent a memo to the Council on a court decision which is self explanatory.

Mayor Hanna said he could not let this opportunity pass without mentioning the fantastic Rockville Day event at the Civic Center yesterday. He said it was one of the best events held in the history of his time in Rockville. He commended Ron Olson, John Hayes and the entire Recreation Department staff for the many hours that they put in to make the day such a success. From beginning to end it was a wonderful occasion.

Re: Proclamation - Memorial Poppy Day -
May 25

Proclamation No. 2-81

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 2-81, proclaiming May 25 as Memorial Poppy Day in Rockville. Councilwoman Fordham read the Proclamation at the request of the Mayor and urged that all citizens participate in this commemoration dedicated to the men and women who have died in the cause of liberty and justice through the years. Mayor Hanna purchased the first poppy.

Re: Proclamation: Small Business Week
May 10-16

Proclamation No. 3-81

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 3-81 proclaiming the week of May 10-16 as Small Business Week in Rockville. Councilman Abrams read the proclamation at the request of the Mayor and urged that all citizens join in the appreciation of the individuals who own or work for small businesses in our community. Bernice Grossman the Executive Director of the Chamber of Commerce accepted the proclamation on behalf of the small businessman.

Re: Proclamation: Historic Preservation
Week - May 10-16

Proclamation No. 4-81

There being no objections from the Council, Mayor Hanna proceeded to issue Proclamation No. 4-81 proclaiming the week of May 10-16 as Historic Preservation Week in the City. Councilman Tyner read the proclamation at the request of the Mayor and called upon the people of Rockville to recognize and participate in this special observance. Eileen McGuckian, Chairman of Peerless Rockville presented historic preservation awards to St. Mary's Parish, the Heritage House Development, the Beall Dawson House, the Exchange Building and the South Adams Street neighborhood.

Re: Award of Contract: Improvements
to Courthouse Square Bid No. 36-81

Bids were opened in the offices of the Department of Community Development and Housing Assistance at 2:30 p.m., Monday, April 6, 1981 for the construction of Courthouse Square, a vehicular and pedestrian plaza with covered arcade and gazebo. The specifications upon which the bids were based contained provision for five alternate items which could effect the total project cost. These alternates were included in the event the total project cost exceeded the architects estimate and the amount of available funds for the project. After a review of the bid prices by the Architect, Arthur Cotton Moore/Associates and the City staff, it was decided to recommend award of the project utilizing three of the five alternates. The alternates included in the proposed award include:

- 1) Use of Douglas fir instead of oak in the arcade ceiling
- 2) Construction of the covered pedestrian arcade along Maryland Avenue
- 3) Construction of the gazebo and colonnade recommended for the plaza by the Moore firm.

The alternates not included in the recommendation award are:

- 1) Substitution of concrete for granite in the stripes separating the vehicular and pedestrian portions of the roadway.
- 2) Construction of a City logo in the center of Jefferson Street. This work would not be permitted by the State Highway Administration. The base bid included the construction of a City logo at the entrance to Perry Street (Maryland Avenue) immediately adjacent to Jefferson St.

The following bids were received:

Magers Construction Company, Inc. Silver Spring, Maryland	\$1,461,676
Tricon Triangle Contractors, Inc. Potomac, Maryland	\$1,488,700
Granja Construction, Inc. Arlington, Virginia	\$1,584,000
Jesse Dustin & Sons, Inc., Rockville, Maryland	\$1,598,970
Kora & Williams Corporation Rockville, Maryland	\$1,611,500
Faith Construction Company Washington, D.C.	\$1,676,100
G & C Construction Corporation Tyson Corner, Virginia	\$1,800,700
T.J. Company, Inc. Silver Spring, Maryland	\$1,802,406
Thomason Industries Corporation Rockville, Maryland	\$1,972,500
Concrete General, Inc. Rockville, Maryland	\$2,139,923

The bid prices and architect's estimate reflect the use of the alternatives as described above.

The Courthouse Square project is projected to be funded from three sources:

1. Montgomery County is to provide \$561,000 as reimbursement to the City for the construction of the Maryland Avenue vehicular and pedestrian passageways. This construction is a County obligation under the terms of the disposition agreement for the sale of the land upon which the government center is being constructed.

2. An application has been made to the State of Maryland for Program Open Space funds in the amount of \$313,275. A letter of acknowledgement has been received from the State of Maryland indicating that they have accepted our application for processing.
3. The remaining money (\$587,401) will come from the Capital Improvements Program.

In submitting his bid documents, the low bidder, Magers' Construction Company, Inc., did not include a non-collusion affidavit. This document has subsequently been submitted, however, a protest has been filed by the second low bidder, Tricon Triangle Contractors, Inc. The architect has investigated the experience and reputation of the Magers' Company and found it to be excellent. The City Attorney's office has been advised of the problem and has prepared an opinion that the Mayor and Council may waive formalities or technicalities in the bid as the interests of the City may require.

Staff recommends that Bid No. 36-81 be awarded to the low bidder, Magers' Construction Company, Inc. in the amount of \$1,461,676 and that the informalities in the bid be waived.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 36-81, Improvements to Courthouse Square, was awarded to the low bidder, Magers' Construction Company, Inc., in the amount of \$1,461,676 and the informalities in the bid were waived.

Re: Award of Contract: Bid No.
38-81, Hungerford Water and
Sewer mains

Bids were opened in the second floor Conference Room, City Hall at 3:00 p.m., Tuesday, April 28, 1981, for the extension of public water and sewer mains and laterals in the new Hungerford Subdivision located on Ritchie Parkway. This contract is for the installation of 1650 lineal feet of 8-inch sewer main, 1165 lineal feet of sewer laterals, 1800 lineal feet of 4, 6, and 8-inch water main, 2245 lineal feet of 1-inch water laterals and appurtenances in Copperstone Court.

The construction of these water and sewer facilities will be funded by Special Assessment and the project was authorized by the Mayor and Council on February 23, 1981.

Eleven contractors received plans and specifications and eight contractors submitted bids, as follows:

Calcon Company, Inc. Gaithersburg, Maryland	\$104,653.50
Rapp Contracting, Inc., Beltsville, Maryland	116,994.00
Ennis & Son, Inc., Camp Springs, Maryland	117,788.00
San-Dot, Inc., Union Bridge, Maryland	118,072.50
Jay's Trucking Co., Inc., Thornburg, Virginia	118,428.00
Pleasant Excavating Company, Clarksburg, Maryland	118,772.50
Kenster Tri-State & Company, Crofton, Maryland	122,372.50
Concrete General, Inc., Gaithersburg, Maryland	134,423.75
Engineer's Estimate	115,350.00

Our staff recommendation is that the Mayor and Council award the above contract to Calcon Company, Inc. in the amount of their low bid of \$104,653.50.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 38-81, Hungerford Water & Sewer Contract, was awarded to the Calcon Company, in the amount of \$104,653.50.

Re: Appointments

Mayor Hanna made the following appointments, which were confirmed by the Council:

Civic Improvement Advisory Commission - Henry Preisendorfer, Chairman, one-year
Recreation and Park Advisory Board - Pat Lawwill, reappointed, 2-year term

Re: Decisions and Instructions to
staff re street closing applica-
tion, SCA-34-81, Montgomery County,
Applicant

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant application SCA-34-81.

Re: Decision and Instructions to
staff re Planned Residential Unit,
PRU-16-81

Councilman Freeland asked that the application be granted with the stipulation that the bikepath as shown be rearranged so that it did not pass through a neighborhood. Mr. Owens explained that the configuration suggested by Councilman Freeland was undesirable according to the Police Chief who preferred it in

a more open area. Mr. Owens explained that the plan is not specific but leaves several general options that can be completed at a later time. Councilman Freeland suggested that too many options could cause problems in the future and no bikepath should be constructed too close to very expensive homes. The Council discussed the placement of the bikepath at length. Councilwoman Fordham said that she shares Councilman Freeland's concerns but she does not like to start permanent placement because the review of the planned residential unit at this stage is still of a preliminary nature. She would prefer to pass on the Council's concerns to the Planning Commission and let them be more concerned with the final placement.

Councilman Abrams asked if the storm water management plan on Bouldercrest would be implemented prior to construction. Mr. Owens explained that no project can be approved if there are off-site adverse impacts because of storm water. The City Manager said as far as the staff knows, the construction of the storm water management facilities will be done prior to this part of ground ever being developed. Councilman Abrams noted his concern over the 20 foot setback on the corner lot. Mr. Owens said that side setback is quite generous and more than usual on this size lot. Councilman Abrams asked Mr. Owens if he sees any reason to be more stringent at this time. Mr. Owens said he saw no reason. Councilwoman Fordham suggested that the storm water management problem be alleviated through strict application of the sediment control ordinance. Councilman Freeland agreed and said he would like to see a lot of care taken once the work is being done.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Council authorized the staff to prepare the necessary legal documentation to grant the application subject to the conditions suggested by the Planning Commission in their April 7 memo, Numbers 1, 2 and 3, and that the concerns expressed by the Council tonight as to the bikepath and storm water management be made clear to the Planning Commission during their review of the application.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Sally Drummond, Broome PTA. Mrs. Drummond told the Council she has received a copy of the testimony they will be reviewing this evening for presentation before the Board of Education and she is quite in agreement with

the sentiments expressed and the community supports the Mayor and Council in the Mayor and Council's support of the community.

2. Helen Boccabella, 502 Hungerford Drive. Mrs. Boccabella told the Council that there has been considerable damage done to her property because of the new zoning setback conditions, etc., making the property almost impossible to develop. She would like to have the old zoning back or some relief of the requirements. Mayor Hanna suggested Mrs. Boccabella bring her concerns to the Planning Commission and also, if she so desires, make the necessary filing for rezoning.

3. Steve Fisher. Mr. Fisher asked the status of the Gude/Taft signal. The City Manager gave Mr. Fisher a copy of the memo explaining that the bid is to be awarded next week on the Council's agenda.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Approval of Fee for Economics
of Amenity Program

Last summer, Partners for Livable Places, a non-profit organization dedicated to improving the quality of the built environment, invited Rockville to be one of the thirty pilot cities in the Economics of Amenity Program. The purpose of this program is to conduct technical assistance and public awareness activities in order to demonstrate the hard economic value of physical and cultural amenities to communities. Pilot cities work closely with Partners for the first three years, and the last two years will be when Partners can draw upon the experience and bring it to a national audience through publications and public forums. The topics of focus most applicable to Rockville are: Tourism and Conservation, Public Sector Design Quality, Open Space, and Management and Profit by Design. Unique to this committee is the concept that the business sector and public sector are united to achieve mutually beneficial results.

The committee has met six times. They have defined their role in contrast to other citizen committees, met with a representative from Partners for Livable Places in order to clarify the nature of the program and resources available, and brainstormed and critiqued a variety of potential projects. The two projects that emerged as worth pursuing are:

- Bus shelters as amenities: integrated and attractive urban design;
- The Rockville Pike: involvement of the business community in streetscape and signage beautification.

For each of the three years, each pilot city is expected to raise \$10,000 through local business contributions, or the City may pay the money out of its budget. Of this total, \$3,300 will be paid to Partners for Livable Places as an administrative and management fee. In return for this fee, Rockville, will receive publications, technical assistance, and referral services. The balance of the funding, \$6,700, is to be held in a reserve account as seed money for Rockville Economics of Amenity projects. The City also has the option of retaining the \$6,700. In fact, there is no obligation to reserve any amount over the \$3,300 paid to Partners.

At this time, no fundraising has begun. The committee felt that their first step should be to define specific, workable projects, and then present them to local businesses. Instead of soliciting businesses for the Program fee, businesses would be solicited in the future to pay for projects.

Staff recommends:

1. That the Mayor and Council endorse the Economics of Amenity Committee and support the activities of the Rockville Economics of Amenity Committee.
2. That the City Manager be authorized to pay the \$3,300 fee for the year 1981 to Partners for Livable Places for Rockville's membership.

Councilwoman Fordham said she is quite excited about Rockville Pike being chosen as a project. She asked what the City would be gaining for the expenditure of \$3,300. Mr. Davis said the City gains the talents of individuals from Partners for Livable Places from all over the country and the benefit of their skills. Councilwoman Fordham asked more simply and specifically what they could do for the City. The City Manager said it is difficult to be more specific, however, without the committee, the Economics of Amenity Committee, the City would not be talking about improving the Rockville Pike. Councilwoman Fordham said she still has her doubts. Mayor Hanna explained the worth of the program and used the City of Pittsburgh, Pennsylvania, as an example and the improvements along the river bank that were done by private investment. He said it is a very small price for a worthwhile program. Councilman Abrams asked if there had been any thought given to asking the business community to come up with the balance of \$10,000. The City Manager said the committee had

agreed they would prefer to raise money for the specific projects rather than for a dues structure. Councilman Tyner asked if the money could be taken out of the targets of opportunity program. The City Manager assured it would be eligible. The City Manager explained that the annual meeting, For Partners for Livable Places, is being held May 12 and 13 in Washington, D.C. He hopes the Mayor and Council can attend and learn more about the program. Councilwoman Fordham agreed that would be a good idea and asked if the matter could be held off for voting until that time.

Councilman Abrams moved to table the subject until May 18, the motion failed for lack of a second. Councilman Tyner asked if the matter could be placed on next week's agenda with Mr. Lynott, Chairman of the Commission, addressing the Council on the subject. That motion failed for lack of a second. Since agreement could not be reached by the Council, Mayor Hanna, closed discussion and asked the Council to attend the annual meeting if possible and said the matter would be rescheduled on another agenda very soon.

Re: Approval of testimony to Board
of Education

The testimony was given to the Council for review. It will be read by Mayor Hanna at the public hearing on May 5 at the Board of Education Building. The Mayor and Council approved the testimony.

Re: Decision: Conversion of City
vehicles to Propane Fuel.

Mr. Don Vandrey, the City's Energy Technologist, addressed the Mayor and Council and spoke to them on the value of propane fuel. He introduced Mr. Dick Fessler, the Director of Energy Services for the Marriot Corporation. Through the use of slides and other equipment, the Council was thoroughly briefed on propane fuel use.

It is recommended that the Mayor and Council instruct the City Manager to prepare bid specifications for the award of a contract for conversion of approximately 100 vehicles to propane fuel. The bid would be broken into Phase I, to be completed during FY 1981 and Phase II, to be carried out in the early part of FY 1982. The purchase of propane fuel would be made under a separate contract.

On motion of Councilman Abrams, duly seconded and unanimously passed, the City Manager was instructed to prepare the specifications as recommended by the staff in their memo of April 29, 1981.

Re: Decision: Ban on the Use of Phosphate Detergents

The Metropolitan Water Resources Planning Board (WRPB) at its meeting of February 26, 1981, adopted a resolution urging local jurisdictions to consider enacting legislation to ban the marketing of phosphate based household laundry detergents having more than one-half of one percent (0.5 percent) of phosphorus by weight.

The potential cost and environmental benefits to be derived from the implementation of a region wide ban on the use of phosphorus based detergents over the long haul has been estimated by WRPB staff as amounting to as much as 3.3 million dollars per year with a reduction in the generation of waste water sludge by 10,000 wet tons per year. This assumed that all waste water treatment plants would be operating at their rated capacity. Based on October, 1980 waste water flows, immediate savings of 2.8 million dollars per year and reduction in 87,000 wet tons per year of sludge could be realized. If these estimated savings are borne out, Rockville could save \$56,000 per year in sewerage service charges directly associated with the City's obligation to assist in the disposal of sewage sludge generated at the Blue Plains Waste Water Treatment Facility. A \$56,000 savings in direct sewer service costs would amount to four cents on the sewer user rates.

The Council discussed this at length. Councilman Abrams suggested that an ordinance be prepared with the condition that other Blue Plain users do the same. Councilwoman Fordham said this seemed like a good idea and would certainly save on sludge and sewage, but she is concerned with the economic impact. Councilman Freeland disagreed. He said with any action to ban phosphates, the Mayor and Council would be starting to move in on manufactures and tell them what they can sell. It just means more government regulation. Phosphates are not hazardous and he sees no reason for the City to do this. Councilman Abrams disagreed and said it is most appropriate that the City start a dialogue and hold public hearings. The ban could then be made conditional on original agreement. He said his concern is not economical, but it is a question of where the sludge can be deposited. We are rapidly running out of space for that purpose and Montgomery County is very interested in such a ban.

Councilman Freeland said a public hearing will bring in the same type of thought that was brought before the Council on the occupancy permit ordinance. Councilman Abrams disagreed. Mayor Hanna said he has to agree with Councilman Freeland. The phosphates are not hazardous. There are times when government should not get involved other than for the purpose of bringing it to the citizens' attention. There is no reason for the City to mandate such a ban. He said he would have no objection to an article in the Newsletter explaining phosphates and their use to the citizens. Councilman Tyner agreed with this. Councilman Abrams said that voluntary compliance will not work and the Council of Governments knows that. Mayor Hanna said the consensus of the Council does not support an ordinance. He did ask the Public Information Officer to do an article in the Newsletter stressing the fact that the Mayor and Council feel it is a private decision but do want the citizens to be aware of the arguments for the ban on phosphates.

Re: Presentation: Trends in City
Government Finances

Mr. John Lawton, Director of Finance, did a presentation to the Council on trends in city government finances for the years 1975 to 1980. He identified the negative trend and an assessment of the overall strength of the City. The Mayor and Council thanked him for his presentation.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. W. L. Sullivan, re housing questions
2. Dennis Keene, re resignation from CIAC
3. Jonathan England, re public safety
Leah Barnett, re public safety
4. Mary Lynn Scott, re West Montgomery Task Force
5. Senator Crawford, re Rockville Mall

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo to Planning Commission from Planning staff re Federal CIP
2. Infrared Thermography fact sheet
3. Lincoln Park Newsletter
4. Memo on status of Gude/Taft signal

5. Notice of liquor license application hearings
6. Notice of grant from Board of Public Works
7. Copy of letter to City Manager from WMATA
8. Information of White Flint briefing

Re: New Business

1. Councilman Abrams asked if the City would be doing anything about the bagworms in the City since there is a particular abundance of the worms on the west side of town. The City Manager said he was not aware of the problem but he will certainly check into it and come back with a report for the Council.

Re: Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 10-81 were approved as written.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss land disposition.

Re: Adjournment

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the meeting was adjourned at 11:35 p.m. to convene again in work session on Saturday, May 9 at 9:30 a.m.